

Coastal Resiliency  
Committee  
September 25,  
2020

# 2021 Resiliency Legislative Priorities

# Draft Legislative Priorities

- Creation of a Commonwealth Flooding Board
- Updating precipitation data products
- Requiring flood disclosure on real estate transactions
- Adding resilience to the SMART SCALE project scoring criteria

# Commonwealth Flooding Board

- **Problem:** Existing state processes for resiliency planning and funding are not coordinated or set up for long-term success and implementation.
- **Proposal:** Establish a Commonwealth Flooding Board with dedicated staff to provide oversight and long-term planning.
- The proposed board would:
  - Be a forum for discussion of state flood mitigation programs and activities and coordination among state agencies and local governments.
  - Approve a prioritized list of projects to be funded by the Community Flood Preparedness Fund
  - Approve a prioritized list of proposed investigations to be conducted by the USACE
  - Oversee development, implementation, and updating of the Coastal Resiliency Master Plan
  - Evaluate alignment of state regulatory, planning, and funding programs with flood mitigation priorities

# Updating Precipitation Data Products

- **Problem:** Precipitation data products are outdated, which leads to undersized stormwater infrastructure and greater risk from flooding.
- **Proposal:** update local and state standards based on existing research and pursue additional federal and state research
  - Local: Adopt Virginia Beach design criteria of NOAA Atlas 14 plus 20%. Establish MOA with state agencies to have them follow higher local standards.
  - State: Invest in precipitation pattern research and analysis to determine future rainfall predictions statewide. Develop new standards based on that research and incorporate into all state programs.
  - Federal: Advocate for federal funding for NWS to update and revise methodologies for Atlas 14 to account for more recent data and climate projections.

# Requiring Flood Disclosure

- **Problem:** Prospective buyers cannot get full information on the flood history and risk of residential properties. That can lead to lost transactions, higher than expected flood insurance premiums, and increased risk.
- **Proposal:** Amend the Virginia Residential Property Disclosure Act to require disclosure of flood history and risk.
  - 1) Removing § 55.1-703(B)(9) and creating a new section requiring disclosure of whether a property is located in a special flood hazard area modeled after the requirement for military air installation zones
  - 2) Including a provision requiring the seller to disclose actual knowledge of flood damage to a residential dwelling
  - 3) Including a provision requiring the seller to disclose actual knowledge of prior flood insurance claims, to be provided by the flood insurance provider

# Adding Resilience to SMART SCALE

- **Problem:** SMART SCALE doesn't allocate points for resilient projects. Resilient projects cost more and thus get penalized.
- **Proposal:** Explicitly add resilience to the list of SMART SCALE factors.
  - 1) §33.2-214.1(A) should be amended to read "The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, *current and future transportation resiliency*, environmental quality, and economic development in the Commonwealth"
  - 2) §33.2-214.1(B)(1) should be amended to read ""The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, ~~and~~ environmental quality, *and resiliency*."

The CTB and the Virginia Department of Transportation should adopt the following definition of resiliency: *"The ability to anticipate, prepare for, or adapt to conditions; or withstand, respond to, or recover rapidly from disruptions; including the impacts of sea level rise, extreme weather events, flooding, or other natural disasters."*